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*Central Intelligence Agency
Inspector General*

REPORT OF INVESTIGATION



GUATEMALA: VOLUME II
ALLEGED REMOVAL OF GUATEMALA DOCUMENTS
(95-0086-IG)

June 14, 1995

*Frederick P. Hitz
Inspector General*

Investigators:



*A. R. Cinquegrana
Deputy Inspector General
for Investigations*

APPROVED FOR RELEASE
DATE: DEC 2001

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OFFICE OF INSPECTOR GENERAL
INVESTIGATIONS STAFF

REPORT OF INVESTIGATION
GUATEMALA
VOLUME II

ALLEGED REMOVAL OF GUATEMALA DOCUMENTS
(95-0086-IG)

June 14, 1995

INTRODUCTION

1. During a press conference on April 18, 1995, President William Clinton was asked the following question by a reporter:

Sir, there's something funny going on out at the CIA. I wonder just how many times you have looked into it and had a really good, honest briefing on it. But today we found out that they are taking their classified documents and sending them by mail to retired former CIA people. Now, this gets them out of the storehouse out there, and gets them into a private home where nobody could ever find them if they conducted a congressional investigation of CIA reports. Some of these are classified and some are not, but they have the names on them of the officers who worked on them, and they have mailed them back to the officers who worked on them. Why they're doing this, I don't know, but it sounds like they're trying to keep us from getting a chance at the records.

2. In a May 11, 1995, letter to the CIA Inspector General (IG), Anthony Harrington, Chairman of the Intelligence Oversight Board (IOB), related this allegation to the ongoing IOB investigation of claims that documents concerning U.S. intelligence activities in Guatemala had been destroyed by personnel assigned to the National Security Agency and the Department of the Army. Since the IOB was therefore interested

in obtaining any relevant facts concerning this matter, Harrington requested that the IG "conduct an expeditious review of this allegation and provide [the IOB] with any information available on the topic." On May 17, the IG initiated an investigation, the results of which are described in this Report.

SUMMARY

3. No evidence has been found of any effort by personnel of the Central Intelligence Agency to remove, dispose of, or destroy classified Agency documents to avoid a congressional or other investigation. The allegation may be attributable to the Agency's provision in March 1995 of copies of classified documents concerning Guatemala to former Directors of Central Intelligence (DCIs) for background purposes in order to assist them in responding accurately to inquiries from the media and, in the case of former Deputy Director of Central Intelligence (DDCI) Richard Kerr, because certain of the events in question occurred while he was Acting Director.

4. A package of documents including a chronology of events and four classified documents relating to the Agency's role in Guatemala was sent to the former DCIs by courier, registered mail, or, in the case of former President George Bush, facsimile. All of the former DCIs confirm that the only Agency documents they received were those sent for background relating to Guatemala. They also state that they have not been asked by anyone to store or conceal classified Agency documents for any reason.

5. The Agency, including the Office of Inspector General (OIG), has notified all employees of their obligations to safeguard and protect the integrity of all material maintained by the Agency on the subject of Guatemala. A focal point officer has been designated to maintain records that will ensure that complete and accurate responses are provided to official inquiries on this subject.

6. No evidence was found to indicate that anyone in the Agency has shredded, removed or destroyed classified documents, either originals or copies, in order to prevent their retrieval during an investigation of any type.

PROCEDURES AND RESOURCES

7. Interviews were conducted with then Acting Director of Public Affairs Allan (Vin) Swasey [REDACTED] of the Agency's Guatemala Working Group, [REDACTED] Chief of DCI Security; Executive Secretary [REDACTED] Chief of the Executive Director's (EXDIR) Staff [REDACTED] Special Assistant to the Deputy Director for Operations (DDO) [REDACTED] and then Acting DCI Admiral William Studeman. The following former DCIs were contacted by telephone or facsimile: Admiral Stansfield Turner, Judge William Webster, Dr. James Schlesinger, George Bush, Robert Gates, and James Woolsey. Former DDCI Richard Kerr also was contacted. The documents regarding Guatemala that were sent to the former DCIs and former DDCI Kerr were reviewed, as were an IG tasking memorandum and Employee Bulletins instructing employees as to how information regarding Guatemala is to be handled and maintained (Exhibit A).

QUESTIONS PRESENTED

8. This investigation addressed the following questions:

- ♦ Is there any indication that anyone in the Agency has sent classified documents relating to Guatemala to former Agency employees so that those documents would not be available to Investigators reviewing Agency activities in Guatemala? Was any basis found for such an allegation?

- ♦ Has the Agency taken appropriate steps to ensure that information of potential relevance to investigations of activities in Guatemala is being preserved and protected?
- ♦ Was there adequate control of storage and final disposition of classified materials provided to the former DCIs and DDCI Kerr?

FINDINGS

IS THERE ANY INDICATION THAT ANYONE IN THE AGENCY HAS SENT CLASSIFIED DOCUMENTS RELATING TO GUATEMALA TO FORMER AGENCY EMPLOYEES SO THAT THOSE DOCUMENTS WOULD NOT BE AVAILABLE TO INVESTIGATORS REVIEWING AGENCY ACTIVITIES IN GUATEMALA? WAS ANY BASIS FOUND FOR SUCH AN ALLEGATION?

9. On March 23, 1995, *The New York Times* (*Times*) printed an article that described allegations by Congressman Robert Torricelli that the Agency, through its involvement with Guatemalan Army Colonel Julio Roberto Alpirez, was linked to the death in Guatemala in 1990 of U.S. citizen Michael DeVine. This article generated, among other things, numerous meetings at which Agency officials discussed a variety of issues related to Guatemala. Several Agency officials recall one particular meeting, subsequent to the *Times* article, at which there was a discussion of the Torricelli allegations and mention of the fact that former DCIs were being asked for public comments on these issues. According to these officials, one attendee stated that former DCI William Colby had made a statement to the press that was inaccurate. During the discussion that ensued, the suggestion was made that the Agency provide background information to the former DCIs so that they would be able to respond in an informed manner when their views were solicited by the press.

10. Four of those present at this meeting, including then Acting DCI Admiral William Studeman, recall that Studeman directed that background information be provided to the former DCIs. According to Vin Swasey, then Acting Director of Public Affairs, the Admiral asked that Swasey coordinate the creation of a background information package, and personnel from the Directorate of Operations Latin America (LA) Division volunteered to assemble the relevant documents.

11. None of the officials could recall the exact date of this meeting, but it would have had to have occurred sometime between the March 23 *Times* article and March 29, when the first background package was presented to a former DCI.

12. The package that was created as a result (Exhibit B) consisted of copies—the originals apparently remain in Agency records—of six items:

1. CIA Press Statement on Deaths of Michael DeVine and Efrain Bamaca Velasquez (Unclassified)—a March 27, 1995 three-page draft that was never released to the press;

2. [REDACTED]
Julio Roberto Alpirez in connection with the Bamaca and DeVine cases (Secret)—a four-page document prepared by LA Division;

3. The DeVine Case: Additional Information on the Involvement of Guatemalan Military Officers in the Killing of U.S. Citizen Michael DeVine (Secret)—a four-page October 1991 memorandum signed by then DDO-Thomas Twetten and sent to [REDACTED]
[REDACTED]

4. A November 1991 formal crimes report to the Department of Justice signed by then-General Counsel Elizabeth Rindskopf (Secret);

5. Briefing of Deputy Assistant Attorney General (Secret)--a November 1991 two-page memorandum prepared by then-Assistant General Counsel [REDACTED] for Chief, LA Division; and

6. Guatemala: Chronology of the Bamaca Case (Secret)--a five-page Office of African and Latin American Analysis Intelligence Report, dated January 1995.

13. Six former DCIs (Turner, Webster, Schlesinger, Bush, Gates, Woolsey) and one former DDCI (Kerr) were sent copies of this package. Two other former DCIs, Richard Helms and William Colby, declined the offer of the package. Helms said that he did not need the package because he had already been briefed by the Agency, and Colby declined, saying he did not have a current security clearance. Former President Bush was among the six and received the same package, followed by a note from Swasey that explained the reason for its creation. This was because Bush had not been on the original list of former DCIs--perhaps because he was thought of as a former President rather than as a former DCI--who were to receive the package and was not alerted in advance, as were the others, to the Agency's intent at the time. (Exhibit C describes the means by which each recipient received the package.) All seven of the recipients were contacted and asked if they had received any additional documents and if they had been asked to store or hide documents for any purpose. All answered in the negative. All seven confirm that they received a package similar to that described. None recalls receiving additional documents then or at any other time.

14. Executive Registry records include the packages that were provided to, and returned by, the four former DCIs (Turner; Webster; Schlesinger; Woolsey) who reside in the Washington area. Each of these packages contains a receipt signed by the recipient former DCI. The Agency was informed by former President Bush that his package had

been shredded after his review. At this writing, Executive Registry has no record of the final disposition of the packages received by Gates and Kerr. Gates said he is "pretty sure" that Agency officers who visited him returned the package to the Agency, but there is no indication they did so. Kerr says he believes he destroyed what he received, and that he will ensure that this is the case.

15. Three senior Agency officials speculate that the provision of these background documents was the likely genesis of the allegation made at the President's press conference. DDCI Studeman states that he can think of no other Agency action that might have led to the allegation. However, he thought that basing such an allegation on the package prepared for the former DCIs was "quite a stretch."

HAS THE AGENCY TAKEN APPROPRIATE STEPS TO ENSURE THAT INFORMATION OF POTENTIAL RELEVANCE TO INVESTIGATIONS OF ACTIVITIES IN GUATEMALA IS BEING PRESERVED AND PROTECTED?

16. On March 29, 1995, Acting DCI Studeman received a letter from the Senate Select Committee on Intelligence that endorsed an IG investigation into a variety of Guatemala-related issues and requested that "all pertinent files be secured and that, when the Inspector General's report is completed, [CIA] provide the committee those files." An Employee Bulletin was issued by the Agency's EXDIR, Leo Hazlewood, on March 30, 1995 (Exhibit A) specifically instructing Agency employees to comply with a just-issued National Security Council directive to preserve any records that may contain any information relevant to the review of certain events in Guatemala. That bulletin also indicates that a "focal point" officer has been designated to coordinate the maintenance of records and responses to external inquiries dealing with the Guatemala issue. Further, a memorandum from the Inspector General on April 3, 1995 to key Agency officials asks that copies of all Agency information that may be relevant to a wide range of Guatemala-related issues be provided to the OIG (Exhibit A).

17. Chief of the EXDIR's Staff [REDACTED] is the senior Agency official assigned to oversee a process to ensure a coordinated Agency response to official requests for briefings, information, and documents

on Guatemala. According to [REDACTED] all requests are appropriately tasked and tracked, and responses are appropriately documented and catalogued. There is follow-up to ensure that all requests have been filled. His office receives copies of all requests for documents and the documents themselves, and these copies go into a data base in the Office of Congressional Affairs for retrieval as required.

18. No documentary or testimonial evidence has been found to indicate that any Agency records are being hidden, destroyed, or otherwise improperly disposed of in an effort to shield them from investigations relating to Guatemala. Responsible Agency officials can identify no activity, other than the effort to inform former DCIs, that could possibly have led to such an allegation. In fact, contrary to the suggestion by the reporter at President Clinton's press conference that the Agency was attempting to remove documents from potential retrieval and scrutiny, the information sent to the former DCIs generated seven *additional* copies of documents, the originals of which apparently remain available in the Agency.

WAS THERE ADEQUATE CONTROL OF STORAGE AND FINAL DISPOSITION OF CLASSIFIED MATERIALS PROVIDED TO THE FORMER DCIs AND DDCI KERR?

19. During the course of this investigation several concerns arose regarding the policies and procedures for provision of classified documents to the recipients in these circumstances. The concerns relate to proper clearances and storage and control of classified material. As with any employee, a senior official's clearance expires once that person leaves the Agency, unless maintained or required for other purposes. Of the former DCIs, only Colby refused to accept the offered documents, stating that he no longer had a clearance. No Agency official who was involved in the process argued that the former DCIs and DDCI Kerr should not have been allowed to view the classified documents or receive classified briefings, or pointed out that there is no mechanism in place to document a temporary or extended clearance. The lack of such a mechanism can likely be attributed to the fact that this is the first time senior officials have been provided classified material on such a scale.

20. Four of the seven recipients of this package were located in the Washington, D.C. area, and they received their packages via an Agency courier or security representative who waited while the documents were read and immediately returned them to the Agency. The three who were out of the area--Bush, Gates and Kerr--received their packages by registered mail or by facsimile, and they retained their packages until they were apparently either destroyed or returned to the Agency. The precise disposition of two of these packages remains uncertain. Although the question of adequate storage of classified material was asked prior to the transmission of the documents, it appears that no documents were stored in security approved safes. Although Gates and Kerr said they believed their copies were returned or destroyed, they could not be certain that the documents had been properly disposed of. The DCI security officer who faxed the documents to Bush, says the Secret Service officer who received them confirmed to him that they were shredded after Bush read them. The DCI Executive Registry, which controls materials that leave the Agency, has no record of the final disposition of these three packages.

CONCLUSIONS

21. No evidence has been found to indicate that Agency personnel are removing, hiding, shredding, or otherwise disposing of original classified documents relating to Guatemala to prevent their retrieval during an investigation.

22. There is no evidence to indicate that anyone in the Agency engaged in an activity to mail classified original documents to former Agency employees in order to conceal the documents from potential retrieval or scrutiny.

23. The activity most likely prompting the press conference allegation was the provision of the briefing package to the former DCIs.

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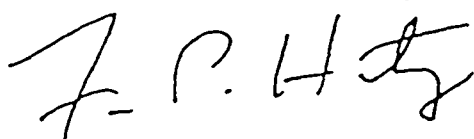
24. While no one questions the decision to provide classified background information to the former DCIs and DDCI Kerr, there was not adequate control of how classified material would be stored and either disposed of or returned to the Agency.

[REDACTED]
[REDACTED] A. R. Cinquegrana
[REDACTED]

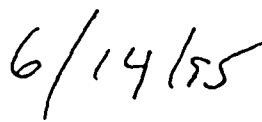
RECOMMENDATIONS

1. That the Office of Personnel Security (OPS) should develop a procedure to address the granting of clearances to former Directors of Central Intelligence (DCIs) or other former senior Agency officials, either on an ad hoc basis or for a determined period of time, so that each such clearance would be a matter of record.
2. That OPS should develop a procedure to ensure the proper storage and control of classified material that is provided to any former Agency officials.
3. That a copy of this Report go to the DCI and the Intelligence Oversight Board, and that the case be closed.

CONCUR:



Frederick P. Hitz
Inspector General



Date

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IG 95-0577
3 April 1995

MEMORANDUM FOR: Deputy Director for Administration
Deputy Director for Intelligence
Deputy Director for Operations
Deputy Director for Science & Technology
General Counsel
Director of Congressional Affairs
Director of Public Affairs
Executive Secretariat

FROM: Frederick P. Hitz
Inspector General

SUBJECT: Request for Documents Relating to
Guatemala and the Deaths of Michael Devine
and Efrain Bamaca Velasquez

REF: Memo for IG fr ADCI, dtd Feb. 3, 1995, Same
Subject (ER 0571-95)

1. I was asked by the Acting Director of Central Intelligence in January 1995 to investigate the relationship between the Agency and Guatemalan Army Colonel Julio Roberto Alpirez. In light of recent events, I have expanded that investigation to encompass CIA's knowledge of the deaths in Guatemala of Michael Devine and Efrain Bamaca Velasquez. In furtherance of these efforts, I request that you provide this Office with all information in your organizations that may be relevant to these issues as soon as possible, and, in any event, no later than close of business April 12, 1995. Please advise this Office in writing on that date of the status of your responses to this request.

2. Included in this request are:

a. Copies of all relevant internal and external documents concerning Alpirez, Devine, or Bamaca, including official and soft files, memoranda, taskings, notes, letters, correspondence, communications, cable traffic (including "ops traffic"), briefing books, calendars, personal notes;

b. All liaison, interaction and/or communication between this Agency, Department of Justice, the Federal Bureau of Investigation, Department of State,

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SUBJECT: Request for Documents Relating to Guatemala
and the Deaths of Michael Devine and Efrain Bamaca
Velasquez

Department of Defense, National Security Agency, other federal agencies, and Guatemalan governmental entities regarding Alpirez, Devine, and Bamaca; and

c. All relevant liaison, interaction or communication between CIA and the United States Senate and the United States House of Representatives, or any member or employee thereof.

3. The above listed categories of materials include all "RYBAT," "P&L," "RH," "bigoted," "codeword," "SI," "privacy channel," and any other limited distribution materials.

4. Documents responsive to this request are to be produced in their entirety as they appear in the relevant files without redaction or deletions of any kind and delivered to OIG/Investigations Staff, [REDACTED] as soon as possible. Marginalia should remain as it appears on the original documents.

5. I am aware that relevant components have been working with the Investigations Staff on the initial investigation and have been cooperating fully with the expanded inquiry. Several have already provided much information in response to these requirements and these responses are greatly appreciated. Components continue, however, to be responsible for satisfying this request insofar as additional information is or becomes available.

6. The IG investigation team also will be interviewing a number of Agency officers and others. Please ensure that those called upon to be interviewed are made available on a timely basis. To complete this investigation within a reasonable time, it may be necessary for the team to conduct interviews after regular hours and on Saturdays and Sundays. Employees should be made aware of these requirements.

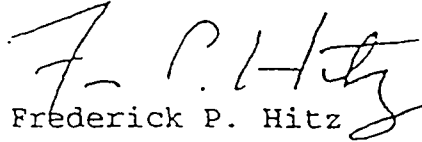
7. The requirements identified in this memorandum are continuing. Please ensure that the team is advised immediately of any new information that may be relevant to this investigation. If there is any doubt in that regard, components should err on the side of informing us and allowing us the opportunity to determine relevance.

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SUBJECT: Request for Documents Relating to Guatemala
and the Deaths of Michael Devine and Efrain Bamaca
Velasquez

8. The principal Office of Inspector General points of
contact for this investigation are Deputy Inspector General
for Investigations Rick Cinquegrana [REDACTED] and
Investigator [REDACTED].


Frederick P. Hitz

cc: Acting Director of Central Intelligence
Executive Director

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SUBJECT: Request for Documents Relating to Guatemala
and the Deaths of Michael Devine and Efrain Bamaca
Velasquez

OIG/ [REDACTED] Cinquegrana: [REDACTED]
April 3, 1995

Distribution:

Original - Addressees
1 - ADCI
1 - Executive Director
1 - IG Chrono
1 - [REDACTED]
1 - [REDACTED]

[REDACTED]

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EMPLOYEE



BULLETIN



ODDA EB No. 0011-95

30 March 1995

Preservation of Agency Records

The Agency has just received the following directive from the Executive Secretary of the National Security Council:

"In light of the Administration's ongoing review of the events surrounding the deaths of Michael Devine and Efraim Bacama in Guatemala, as well as any related matters, your agency, and all relevant subordinate components, are directed to preserve any agency records that may contain any information relevant to this review."

All Agency components will fully and completely adhere to this instruction.

To ensure the integrity of material maintained by the Agency on this issue, [REDACTED] of my staff has been designated the Agency focal point on records data and responses dealing with the Guatemala issue. In consultation with Directorate officials, [REDACTED] will be coordinating the maintenance of records and written responses to external inquiries. He can be reached on [REDACTED] secure. As needed, other Agency officials will be asked to prepare or contribute to individual Agency responses.

[REDACTED]

Leo Hazlewood
Executive Director

EMPLOYEE BULLETIN

ODDA

DA EB No. 0011-95
30 March 1995

PRESERVATION OF AGENCY RECORDS

The Agency has just received the following directive from the Executive Secretary of the National Security Council:

In light of the Administrations ongoing review of the events surrounding the deaths of Michael Devine and Efrain Bacama in Guatemala, as well as any related matters, your agency, and all relevant subordinate components, are directed to preserve any agency records that may contain any information relevant to this review.

All Agency components will fully and completely adhere to this instruction.

To ensure the integrity of material maintained by the Agency on this issue, [REDACTED] of my staff has been designated the Agency focal point on records data and responses dealing with the Guatemala issue. In consultation with Directorate officials, [REDACTED] will be coordinating the maintenance of records and written responses to external inquiries. He can be reached on [REDACTED] secure. As needed, other Agency officials will be asked to prepare or contribute to individual Agency responses.

Leo Hazlewood
Executive Director

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Office of the Director

The Executive Secretariat

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E4D/K

Attached is the package
PAS is sending to former
DCIs. Turner saw it
today (courier waited while
he read it & then brought
the copy back) Webster
and Schlesinger are
scheduled to see it
tomorrow. Cobby said
he wasn't interested.

All covered
in ADCI's notebook.

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Office of the Director

The Executive Secretariat

4-19-95

Attached is a rundown
of Guatemala packages
sent to former DCIs.
All packages were identical
except AD/PAS added a
note to Bush's copy --
a copy is attached.

Friday, 31 March 1995

Note For: President George Bush

From: Vin Swasey, Acting Director, Public Affairs
Staff, Central Intelligence Agency

Subject: Background Information on the Guatemalan Story

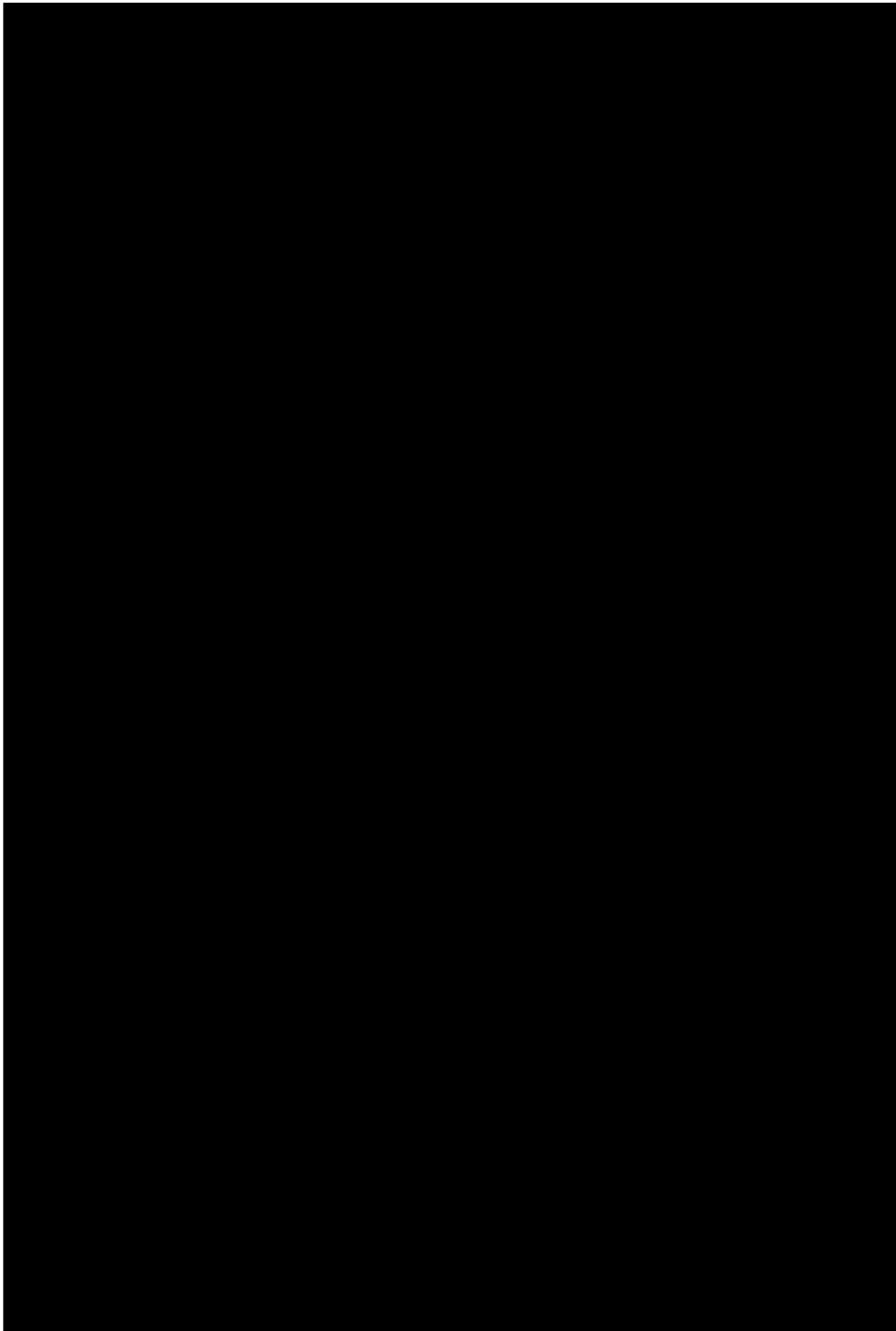
Admiral Studeman has requested that the attached information be sent to former Directors of Central Intelligence to provide a better understanding of the Agency's actions regarding the deaths of Michael Devine and Efrain Bamaca Valesquez. The unclassified press release (enclosed) has been put on hold, and should only be used as background information. It is based in large measure on the chronology prepared by the Directorate of Operations, also included in this package. To some extent the press release has been overtaken by events as Admiral Studeman will be testifying in open session before the Senate Select Committee on Intelligence this coming Wednesday, 5 April. He will no doubt draw heavily from this information.

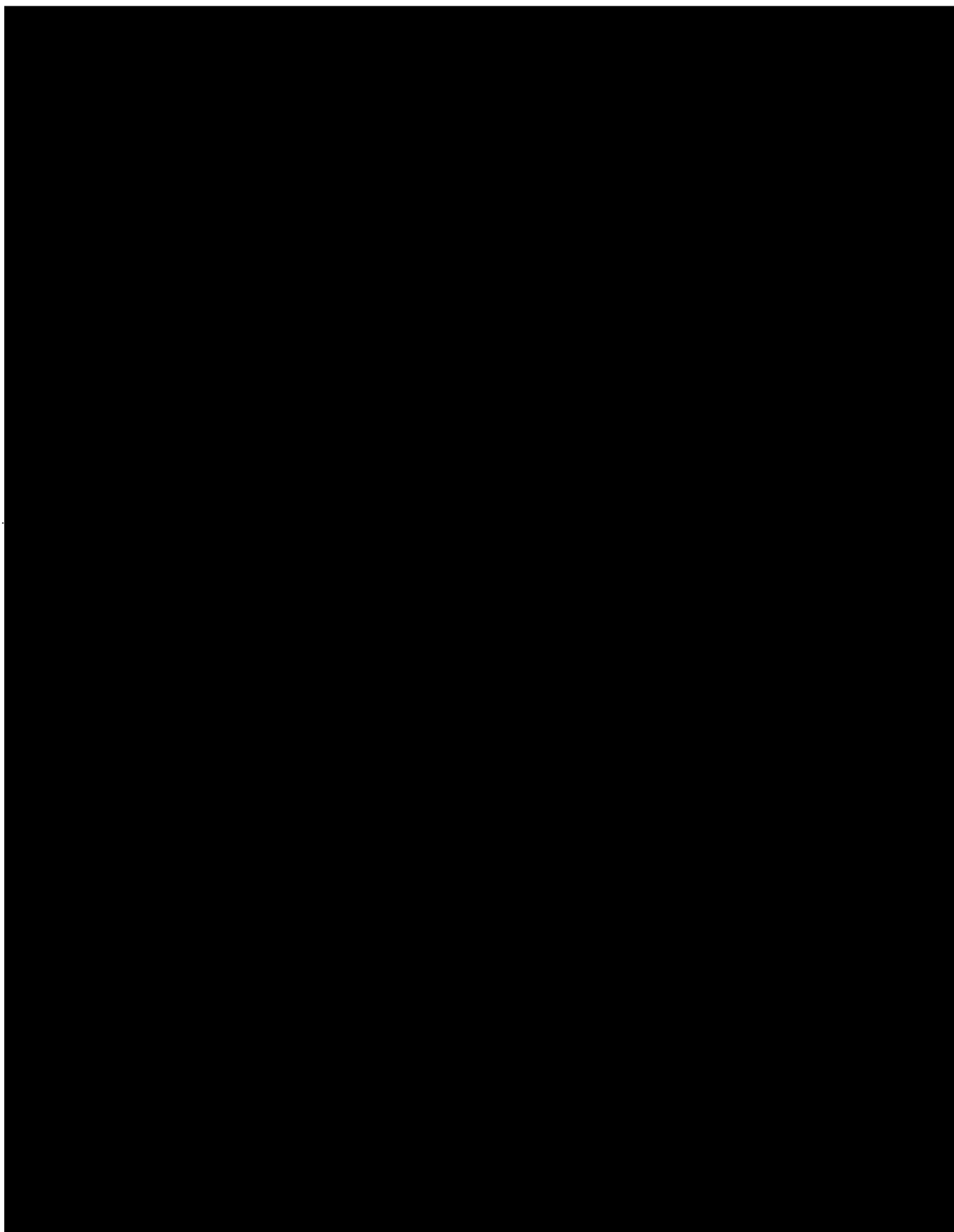
As you read through this package, I believe you will see that there is a wealth of misinformation in the media. The material should help put your mind somewhat at ease, though this will continue to be a very troubling issue for some time to come. If I can be of further assistance please call. I can be reached on [REDACTED]

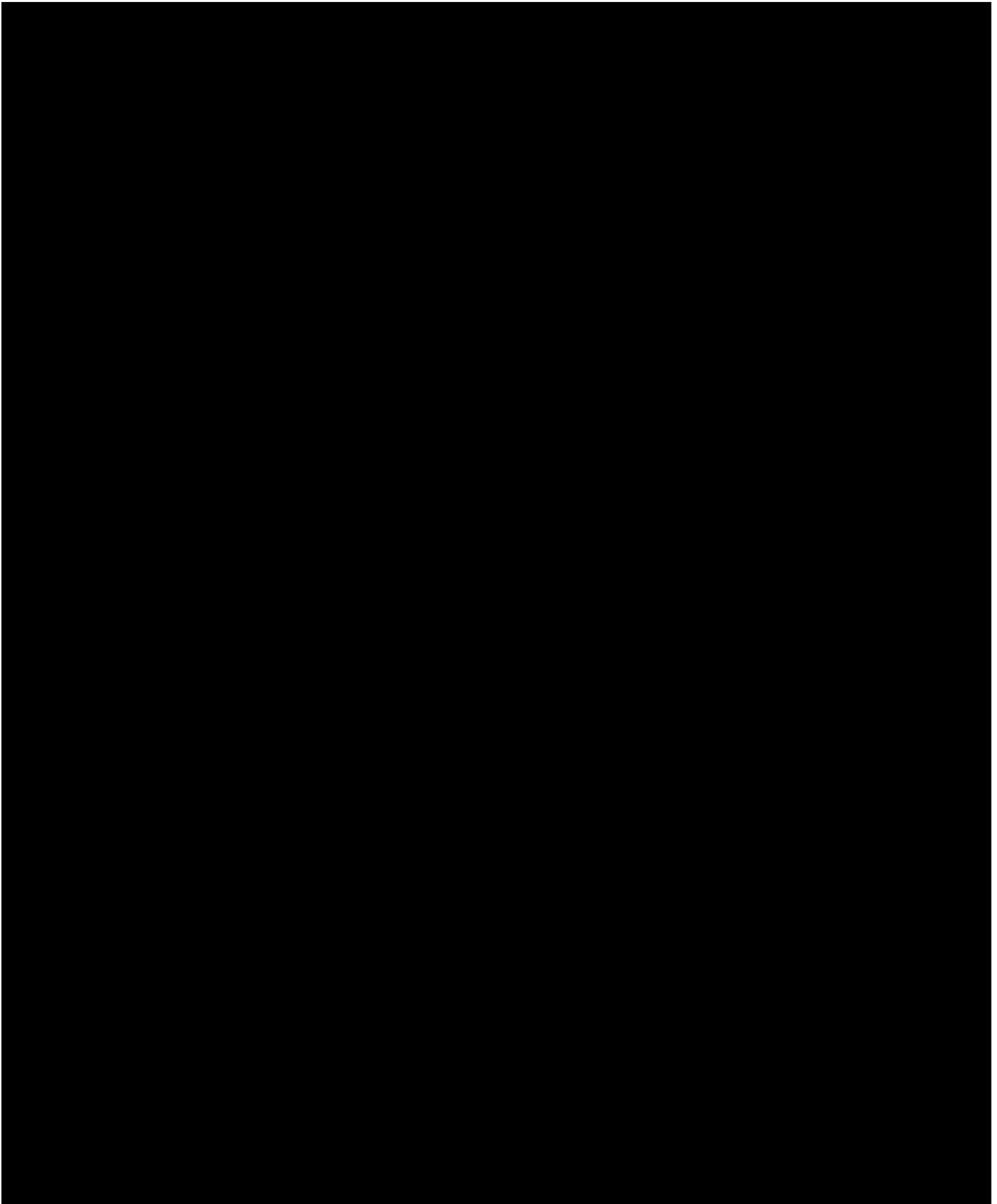
[REDACTED]

Vin Swasey

Exhibit B







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[REDACTED] Julio Roberto
ALPIREZ in connection with the Bamaca and Devine cases

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] January 1989, Alpirez [REDACTED]
[REDACTED] attends the U.S. Army Command and
General Staff course at Ft. Benning, Georgia from late January to
mid-December 1989.

[REDACTED]

-- January 1990, [REDACTED]
[REDACTED] Alpirez is
assigned to command the Kaibil (Special Forces) school located at
a base at Poptun in the Peten.

--08 June 1990, US Citizen Michael Devine is found murdered near
his home in Peten Department.

[REDACTED]

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[REDACTED]

--25 September 1991, Alpirez is reassigned from the Peten to San Marcos, another remote command.

[REDACTED]

[REDACTED]

--30 October 1991, Memo Dissem on Alpirez involvement in Devine's murder disseminated to community.

[REDACTED]

[REDACTED]

--18 November 1991, Mark Richard, Deputy Assistant Attorney General for Criminal Division was briefed on the Alpirez involvement in the Devine murder by Latin America Division. Also at the briefing were CIA General Counsel and Deputy General Counsel. Mr. Richard advises that a review for Department of Justice (DOJ) jurisdiction in the matter would be conducted.

--19 November 1991, Letter from OGC to DOJ.

-- 12. March 1992, Efrain Bamaca, ORPA commandante captured in San Marcos' Department. Bamaca is in good condition, despite a light wound to the arm. [REDACTED] Bamaca disclosed information about Cuban weapons shipments and training for ORPA guerrillas.

[REDACTED]

[REDACTED]

[REDACTED]

-- mid-May 1993 [REDACTED] reported that unidentified [REDACTED] claimed the Army held members of the URNG in clandestine jails and coerced them to work against their former comrades. [REDACTED] reported believed the accounts of two former URNG members who testified they saw Bamaca alive inside a clandestine camp.

-- October 1993, former Army specialists Francisco Solobal and Tiburcio Hernandez, both serving a 30-year sentence for their role in the murder of Michael Devine, publicly claimed they had engaged in Army-run death squad activity and had information on clandestine cemeteries and jails.

-- mid-April 1994, [REDACTED] reported that [REDACTED] had [REDACTED] Bamaca after the guerrilla's capture. At that time, Bamaca was in good health. [REDACTED] claimed Bamaca was subsequently taken away by military intelligence officers from the Armed Forces General Staff. He claimed he never saw Bamaca again.

[REDACTED] Santiago Cabrera Lopez, a guerrilla who was in Army custody between March 1991 and December 1992 claimed that he saw Bamaca alive at MZ18 HQS (San Marcos) in July 1992 and that he was warned by Alpirez not to talk about what he had seen.

-- In late October 1994, [REDACTED] related a conversation he had with other [REDACTED] where Bamaca was captured in March 1992 and taken to a military camp in San Marcos. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Bamaca had been slightly wounded and cooperated with his military intelligence (D-2) interrogators -- although information about arms caches later proved to be false. In April 1992, Bamaca reportedly was taken away in a D-2 helicopter and never seen by [REDACTED] again.

[redacted] reported that a [redacted] Guatemalan [redacted] said that Bamaca had been captured alive in March 1992, but that he is now dead. The officer who reportedly took charge of the interrogations was Colonel Julio Roberto Alpirez, then-third commander of Military Zone 18. [redacted] offered no information on how Bamaca died. In late November 1994 an [redacted] said that Bamaca had been captured alive and believed he was still alive 4-5 weeks later. [redacted] subsequently lost track of the case, but believed Bamaca had been killed.

-- 6 December 1994 the [redacted] reported that [redacted] said that Guatemalan military personnel familiar with the Bamaca case noted that he had been captured alive, held and interrogated for about one month, but is now dead. The exact circumstances of his death are unknown. [redacted] has no firsthand evidence to confirm Bamaca's death.

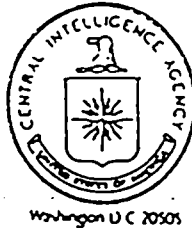
-- 13 January 1995, the Guatemalan Human Rights Ombudsman Office submitted its final report on the 30-day investigation into the Bamaca case. The Office concluded that Bamaca was not found to be detained by any Guatemalan officials or the security forces, but that it could not determine whether Bamaca was alive or dead.

-- 19 January 1995, a [redacted] review of the Guatemalan press in March 1992 revealed a number of articles about an encounter between the Army and ODDA guerrillas near Nuevo San Carlos on 12 March 1992 -- the incident which involved Bamaca. The articles refer to a guerrilla casualty left on the field, and one paper claims the "leader of the group" was killed. These press reports do not further identify the dead guerrilla.

-- On 25 January 1995, [redacted] reported that a [redacted] Guatemalan [redacted] in early December learned from [redacted] that "it was known within the senior ranks of the Army" that Bamaca was killed by Colonel Julio Roberto Alpirez, third commander of Military Zone 18 (San Marcos). [redacted]

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Central Intelligence Agency



█ OCT 1991

MEMORANDUM FOR: Assistant to the President for National
Security Affairs
Assistant Secretary of State for Inter-American
Affairs
Assistant Secretary of State for Intelligence
and Research
Director, Defense Intelligence Agency
Director, Federal Bureau of Investigation
Manager, Justice Command Center

WARNING: INFORMATION REPORT, NOT FINALLY EVALUATED INTELLIGENCE

SUBJECT: The Devine Case: Additional Information on the
Involvement of Guatemalan Military Officers in
the Killing of U.S. Citizen Michael Devine

█ In early October 1991, an individual with direct
knowledge of the incident remarked that Guatemalan soldiers from
the Military Intelligence Office (S-2) of Military Zone 23 (MZ

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23), headquartered in Santa Elena, Peten Department, were ordered in June 1990 to arrest and interrogate U.S. citizen Michael Devine on suspicion of having in his possession a stolen Guatemalan Army rifle, allegedly sold to him by an Army deserter. MZ 23 Commander Colonel Mario Roberto Garcia Catalan ordered Captain Hugo Contreras, an officer attached to the S-2, to take a number of enlisted men to the area of Poptun, locate Devine, and recover the Galil rifle. (Source Comment: Garcia had earlier been blamed for the loss of other weapons under similar circumstances, a serious black mark on his record.)

 Contreras arrested Devine and took him to the Military Training Base at Poptun, Peten Department, which is the training base of the elite "Kaibil" unit and was then under the command of Lt. Colonel Julio Roberto Alpirez. Alpirez, among others, was present when Contreras interrogated Devine. Contreras, a violent man with an explosive temper and well known for his brutality, wrapped a poncho around Devine's head, allowing him to breathe from time to time. Although Contreras had apparently not been ordered to kill Devine, he died either from suffocation or heart failure. After he died, the body was taken in a truck back to a highway near his home where it was placed in the road. The Guatemalans did not recover the rifle which allegedly was in Devine's possession. (Field Comment: The wound found on Devine's neck may have been inflicted to hide evidence of the suffocation described in this account.) Lt. Colonel Alpirez, now posted at MZ 18, headquartered at Malacatan (14-15N, 92-03W) in San Marcos Department, is an extremely violent man who has murdered guerrilla prisoners in the past. He recently has been observed engaging in bizarre behavior, such as walking through the town where he is currently stationed, exposing himself, and firing weapons in the air. Colonel Garcia, the officer who ordered Captain Contreras to arrest Devine, has a personality similar to that of Alpirez and also has murdered guerrilla prisoners. Colonel Guillermo Portillo Gomez, the second in command of MZ 23 at the time of the murder, also is a violent person. Following Devine's murder, Alpirez made an official statement in which he admitted certain aspects of the crime but carefully shielded his own participation. Minister of Defense General Luis Enrique Mendoza Garcia, incensed by Alpirez' statement which, if accurate, pointed to Army involvement in the killing, ordered Alpirez to retract it. Alpirez refused to do so

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[REDACTED]

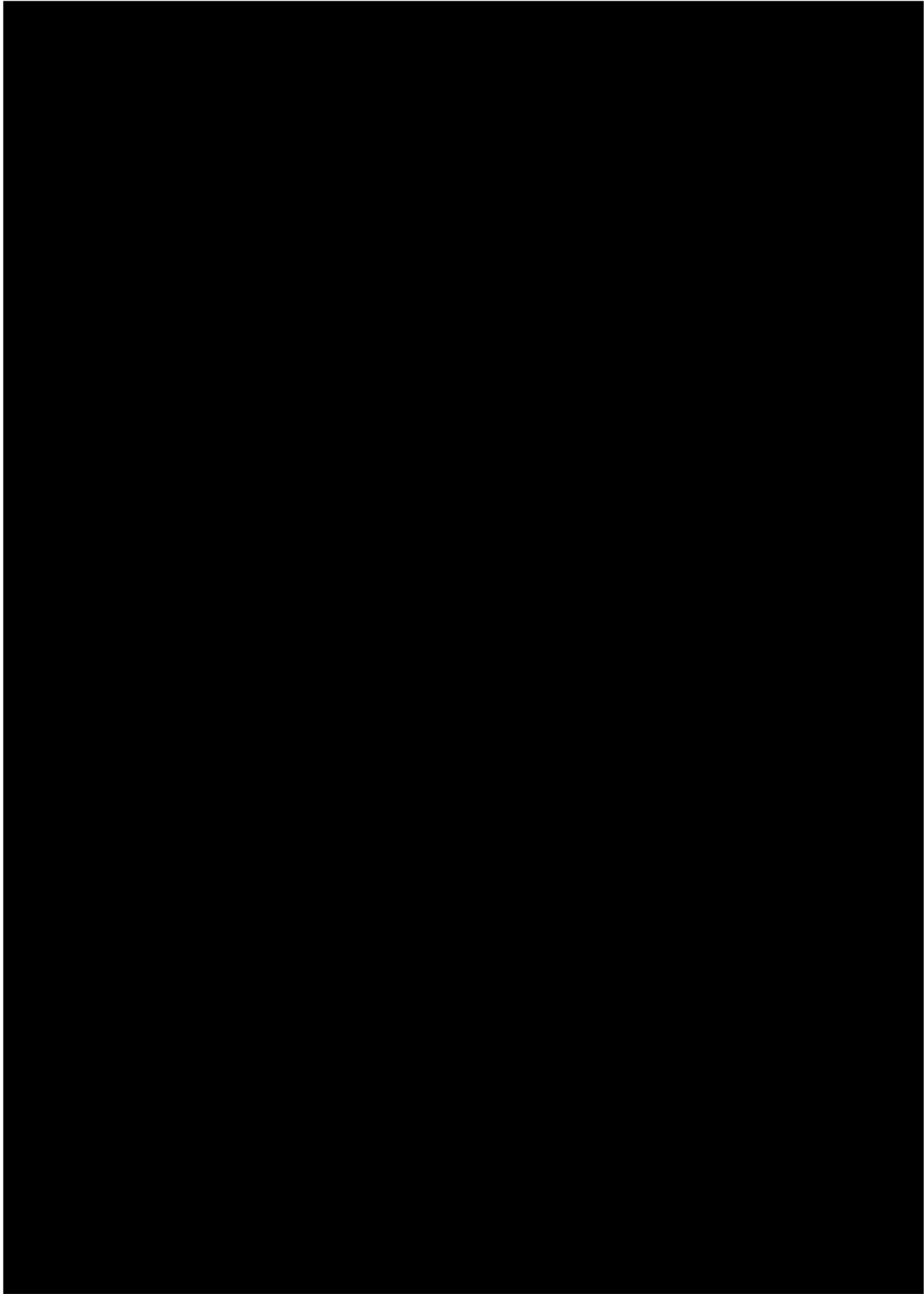
unless given a written order. Mendoza then removed Alpirez from his command of the training base and sent him to a dangerous, remote post in San Marcos. Alpirez then thought better of his defiance and requested permission to retract the statement but, as of mid-October 1991, remained posted to San Marcos. Minister of Defense Mendoza is responsible for blocking all efforts to investigate the killing, believing that he is defending the Army as an institution.

[REDACTED]

[REDACTED]

Thomas A. Twetten
Deputy Director for Operations

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CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

Office of General Counsel

19 November 1991

The Honorable Mark M. Richard
Deputy Assistant Attorney General
Criminal Division
Department of Justice
Washington, D.C. 20530

Dear Mr. Richard:

I am writing to you pursuant to section 1.7(a) of Executive Order 12333 to report information concerning a possible violation of federal criminal law. (U)

This Agency has recently received new information regarding the death of U.S. citizen Michael Devine in Guatemala in June, 1990. This new information is at variance with information previously provided by [REDACTED] and disseminated to the Department of Justice and Federal Bureau of Investigation in [REDACTED] in August, 1990. The new information in fact indicates that [REDACTED] [REDACTED] may have witnessed Devine's death. (S)

[REDACTED] in October, 1991, that the former commander of the Guatemalan Training Base at Poptun, Peten Department, Lt. Colonel Julio Roberto Alpirez, [REDACTED] that in June, 1990 soldiers from the Military Intelligence Office (S-2) of Military Zone 23 (MZ 23), headquartered in Santa Elena, Peten Department, were ordered to arrest and interrogate Devine on suspicion of having in his possession a stolen Guatemalan Army rifle, allegedly sold to him by an Army deserter. [REDACTED] MZ 23 Commander Colonel Mario Roberto Garcia Catalan ordered Captain Hugh Contreras, an officer attached to the S-2, to take a number of enlisted men to the area of Poptun, locate Devine, and recover the Galil rifle. (S)

[REDACTED] stated that Contreras arrested Devine and took him to the military base in Poptun, which is the training base of the elite "Kaibil" unit, then under Alpirez' command. Alpirez [REDACTED] was present when Contreras

~~SECRET~~

interrogated Devine and that during the interrogation, Contreras wrapped a poncho around Devine's head. During this interrogation, Devine died, apparently from heart failure or suffocation. After he died, the body was taken in a truck back to a highway near Devine's home where it was placed in the road. [REDACTED]

[REDACTED]

[REDACTED] (S)

[REDACTED] Alpirez made an official statement in which he discussed certain aspects of the crime, though not his own participation. [REDACTED] the Guatemalan Minister of Defense, General Luis Enrique Mendoza Garcia objected to Alpirez' statement and ordered Alpirez to retract it. Alpirez refused to retract the statement and was transferred to another post. He has since reportedly attempted to retract the statement. (S)

The information in this report has been disseminated to select agencies of the Intelligence Community in [REDACTED]. Because of the particularly sensitive nature of the information and because the Agency believes that the sources' lives could be at risk were it revealed that they had provided information to the U.S. Government which implicated Guatemalan military officers in the death of Devine, information tending to identify the sources, included in this report, was not included in the Intelligence Community dissemination. [REDACTED] of this office [REDACTED] is the focal point for any further information you may require concerning this matter. (S)

Sincerely,

Elizabeth R. Rindskopf
Elizabeth R. Rindskopf
General Counsel

20 November 1991

MEMORANDUM FOR: Chief, Latin America Division

FROM:

[REDACTED]
Assistant General Counsel

SUBJECT: Briefing of Deputy Assistant Attorney General

1. On Monday evening, 18 November, [REDACTED] and I briefed Mark Richard, Deputy Assistant Attorney General for Criminal Division on the new information developed in the Devine case. The briefing was held in the CIA General Counsel's office. Also in attendance were the CIA General Counsel and Deputy General Counsel, [REDACTED] from the Deputy Attorney General's staff.

2. We informed Richard that we wished to bring to his attention information recently developed regarding the death of the American citizen Michael Devine, in Guatemala. We told him that new information indicated Devine had been arrested by the Guatemalan military and died during interrogation. We stated that a military officer [REDACTED] admitted [REDACTED] that he had been present during the interrogation. No names were mentioned during the briefing. We told Richard that this information had been the subject of a recently disseminated intelligence report. Richard indicated that he would prefer not to take the letter we had prepared for him outlining the facts with him at that time and arrangements were made to deliver the letter to Richard at his office.

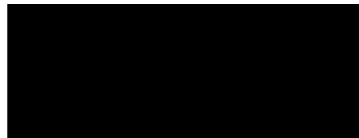
3. As expected, Richard expressed doubt as to whether the Justice Department had jurisdiction over the case. He was not familiar with the case and wondered whether there were political overtones to the incident. (The Justice Department has jurisdiction only if the Attorney General has reason to believe that the murder was intended to "coerce, intimidate or retaliate against a government or a civilian population.") We told Richard that our information was that the military arrested Devine to

[REDACTED] [REDACTED]

SUBJECT: Briefing of Deputy Assistant Attorney General

recover an army rifle and that we had no information indicating whether there were any political overtones to the arrest and killing.

4. Richard said that he would review DOJ's files to determine whether Devine was involved in any political activities in Guatemala that could be related to his arrest and murder. Based on Richard's doubts about U.S. jurisdiction, it is likely Justice will not actively pursue the matter at this time, unless they have independent evidence indicating that Devine's murder was politically motivated.



DO/LA/LGL [REDACTED] (25 Nov 91)

Distribution:

Orig - Addressee

- 1 - [REDACTED]
- 1 - [REDACTED]
- 1 - LA/LGL SIGNER



Intelligence Report

Office of African and Latin American Analysis

27 January 1995

Guatemala: Chronology of the Bamaca Case (U)

- 25 January, [redacted] reported that [redacted] Guatemalan [redacted] "it was known within the senior ranks of the Army" that Bamaca was killed by Colonel Julio Roberto Alpirez, third commander of Military Zone 18 (San Marcos) at the time of Bamaca's capture. The government official spoke in mid-January 1995 with [redacted] confirmed the allegation.
- On 19 January, [redacted] a review of Guatemalan press for March 1992 revealed a number of articles about an encounter between the Army and ORPA guerrillas near Nuevo San Carlos on 12 March 1992--the incident in which involved Bamaca. The articles refer to a guerrilla casualty left on the field, and one paper claims the "leader of the group" was killed. The press reports do not further identify the dead guerrilla.
- A 13 January Embassy report says the Guatemalan Human Rights Ombudsman Office on 9 December 1994 submitted its final report on its 30-day investigation into the Bamaca case. The Office concluded that Bamaca was not found to be detained by any Guatemalan officials or the security forces, but that it could not determine whether Bamaca was alive or dead. The Embassy notes that the interviews conducted by the Office appear to have been "very perfunctory and superficial".
- [redacted] reported on 6 December 1994 that [redacted] Bamaca had been captured alive, held and interrogated for about one month, but that he is now dead. [redacted] "the exact method of his elimination is unknown", but that it is unlikely he was dumped at sea by a helicopter due to the cost of such an operation. [redacted] there is no "firsthand evidence" to confirm Bamaca's death.

- [redacted] December 1994 report, [redacted] reported that [redacted] Guatemalan [redacted] said that Bamaca had been captured alive in March 1992, but that he is now dead. He stated that the officer who took charge of the interrogation was Colonel Julio Roberto Alpirez, then-third commander of Military Zone 18, [redacted]

[redacted] said that Bamaca had been captured alive and believed he was still alive 4-5 weeks later. [redacted] but believed Bamaca had been killed.

- In early November, [redacted]
[redacted]
[redacted] Bamaca had been slightly wounded and cooperated with his military intelligence (D-2) interrogators--although information about arms caches later proved to be erroneous. In April 1992, Bamaca reportedly was taken away in a D-2 helicopter and never seen by the junior officer again. [redacted] had observed military intelligence personnel throw live guerrillas from helicopters into the ocean, and suggested this may have happened to Bamaca.

- In early November, [redacted]
[redacted] the Army has an unspecified number of former guerrillas on its payroll. [redacted] following capture, rebels are given a choice: either collaborate with military intelligence against former comrades or be summarily executed and buried in an unmarked grave. [redacted] these methods have been used by the Army since the beginning of the insurgency, and continue to be employed despite the attention of human rights activists. [redacted] all captured guerrillas--with the exception of those paraded before the media for propaganda purposes--are interrogated for their intelligence value, and in the majority of cases are then killed and buried. As to Bamaca's fate, [redacted]
[redacted] the Army does not have the rebel leader in custody. [redacted] opinion, however, the Army should turn Bamaca, or his remains, over to Jennifer Harbury in order to end the media attention the case is receiving.

• [redacted] reported that an unidentified [redacted] recently related that [redacted] in March 1992 had killed two guerrillas in an armed encounter in Quetzaltenango. One of the dead rebels appeared to have been a commander; he wore a special uniform and new boots, and carried a radio and a weapon. [redacted] could not identify the dead insurgent, [redacted] and told by the local [redacted] that the dead insurgent was Commandante Everardo. [redacted]

[redacted] suggests that the Army may have replaced Bamaca's body with the dead insurgent's in an effort to cover up any evidence of torture. [redacted]

• [redacted] Guatemalan [redacted] obtained [redacted] information from conversations with other [redacted] rather than from personal experience—stated that Bamaca had been captured in March 1992 and taken to a military camp [redacted] that Bamaca's capture was viewed as a great success by the government because at the time he was the only important indigenous guerrilla leader, [redacted]

[redacted] the Army later realized the case would become a political propaganda issue for the URNG following the February 1993 testimony before the UN Commission on Human Rights in Geneva of two guerrillas who claimed to have seen Bamaca alive inside a clandestine prison before they escaped.

• In May 1994, [redacted] that Minister of Defense Enriquez gave verbal orders to all military zone commanders to identify clandestine cemeteries and purge intelligence-related documents. [redacted]

[REDACTED]

[REDACTED]

March 1992, [REDACTED] Bamaca [REDACTED] guerrilla's capture. [REDACTED] claimed that Bamaca subsequently was taken away by unidentified military intelligence officers from the Armed Forces General Staff; the senior officer claims he never again saw Bamaca or heard anything about his whereabouts or status. [REDACTED]

[REDACTED] reportedly implied to his confidant that Bamaca was in good, if not excellent, health at the time of his capture. [REDACTED] expressed the personal opinion that even if Bamaca was dead, the government and the military would not turn over his remains because they would then be open to a flood of requests for the remains of other victims of the long and bloody civil war.

- In early October 1993, former Army specialists (senior enlisted troops) Francisco Solobal and Tiburcio Hernandez, both serving a 30-year sentence for their role in the murder of US citizen Michael Devine, publicly claimed they had engaged in Army-run death squad activity and could provide information on clandestine cemeteries and jails. [REDACTED] the Guatemalan National Defense Staff, worried that such allegations—even if not true—could damage the Army's image at a time when it was making great strides in improving its reputation, sent a senior counterintelligence officer to meet with the imprisoned specialists; these ex-soldiers subsequently admitted to having exaggerated claims of having participated in "death squad" activity. [REDACTED]
- [REDACTED]

[REDACTED] in mid-May 1993 [REDACTED] Guatemalan [REDACTED] [REDACTED] reportedly believed the accounts of the two URNG members who testified that they saw Bamaca alive inside a clandestine camp. [REDACTED]

[REDACTED]

[REDACTED]
[REDACTED] reportedly stated that Bamaca was
alive, [REDACTED] would neither confirm nor deny the allegation.

[REDACTED]

- [REDACTED] reported in early March 1992 that Bamaca had been captured and was in good condition despite a light wound to the arm. [REDACTED] reports Bamaca was treated well by the Army,

[REDACTED] further commented that Bamaca continued to cooperate with the Army, and that news of his capture likely would be kept secret by the Army, which might even claim he was killed in action.

Exhibit C

MEANS OF DELIVERY AND FINAL DISPOSITION OF DOCUMENTS DELIVERED TO FORMER DCIS

Admiral Stansfield Turner:	Delivered by DCI couriers on 29 March. Adm. Turner read and returned.
Judge William Webster:	Delivered by DCI couriers on 30 March. Judge Webster read and returned.
Dr. James Schlesinger:	Delivered by DCI couriers on 30 March. Dr. Schlesinger read and returned.
Mr. Richard Kerr:	Mailed via U.S. Postal Service registered mail on 30 March to Kitty Hawk, NC. Registered return receipt requested. [REDACTED] [REDACTED]
Mr. George Bush:	Faxed via U.S. Secret Service in Houston, TX, on 6 April 1995. Covering memo faxed on 7 April 1995. Shredded after reading.
Mr. Robert Gates:	Mailed via U.S. Postal Service registered mail. [REDACTED] Mr. Gates said he "knew how to take care of it" and would return it on 21 April when DCI Security was to visit. Decision to send made by DCI Security. Mailed 7 April to Mt. Vernon, WA. No record of final disposition.
Mr. James Woolsey:	Delivered by DCI Security on 14 April 1995. Mr. Woolsey read and returned.
Mr. William Colby:	Did not have clearances--did not receive copy.
Mr. Richard Helms:	Was briefed and did not see need to receive documents.